

II. REMARKS

Claims 6-8, 13-15, 21-23, and 28-30 are canceled.

Claims 1-3, 9-11, 16-18, and 24-26 are currently amended.

Claims 1 and 16 are amended to recite “copying a Chinese character from a web page.”

Support for this amendment may be found at least at Specification 7:18-8:9.

Claims 1 and 16 are amended to recite “recognizing the Chinese character without regard to an encoding format of the Chinese character.” Support for this amendment may be found at least at Specification 8:10-21 and 10:7-22.

Claims 1 and 16 are amended to recite “when the Chinese character is a Simplified Chinese character, performing steps.” Support for this amendment may be found at least at Specification 8:10-21.

Claim 1 is amended to recite “displaying the Chinese character first and the Traditional Chinese character equivalent next to the Chinese character.” Claim 16 is amended to recite “displaying the Chinese character first and the Traditional Chinese character next to the Chinese character.” Support for this amendment may be found at least at Specification 9:12-18.

Claims 1 and 16 are amended to recite “when the Chinese character is a Traditional Chinese character, performing steps.” Support for this amendment may be found at least at Specification 8:22-9:11.

Claims 1 and 16 are amended to recite “using Unicode to determine a Simplified Chinese character equivalent of the Chinese character.” Support for this amendment may be found at least in prior claims 8 and 23 and at Specification 7:18-8:9.

Claim 1 is amended to recite “displaying the Chinese character first and the Simplified Chinese character equivalent next to the Chinese character.” Claim 16 is amended to recite

“displaying the Chinese character first and the Simplified Chinese character next to the Chinese character.” Support for this amendment may be found at least in prior claims 8 and 23 and at Specification 9:12-18.

Claims 1-3, 9-11, 16-18, and 24-26 are also amended for consistency with the above amendments to claims 1 and 16 and the cancellation of claims 8 and 23.

No new matter is entered.

Grounds of Rejection

Claims 1-5, 9-12, 16-20, and 24-27 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-16 and 30-45 of copending Application No. 10/617,526 (the ‘526 Application) in view of <http://web.archive.org/web/20000301054545/www.mandarintools.com/worddict.html> (herein the Chinese-English Dictionary Web Page). Examiner’s Answer dated Jun. 20, 2008, pp. 4-7. Applicant notes the Examiner cited to the Chinese-English Dictionary Web Page as a hyperlink on the Mandarintools Web Page (*e.g.*, Examiner’s Answer p.4). The Examiner is relying on the teachings of the Chinese-English Dictionary Web Page, not on the hyperlink to the Chinese-English Dictionary Web Page, and not on the Mandarintools Web Page. Therefore, Applicant treats the Chinese-English Dictionary Web Page as a separate reference and also as the basis for the rejection.

Claims 1-3, 9-10, 16-18, and 24-25 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1, 5-6, 26, and 30-31 of copending Application No. 10/631,070 (the ‘070 Application) in view of <http://web.archive.org/web/20000301054545/www.mandarintools.com/worddict.html> (herein the Chinese-English Dictionary Web Page). Examiner’s Answer dated Jun. 20, 2008, pp. 7-9.

Applicant notes the Examiner cited to the Chinese-English Dictionary Web Page as a hyperlink on the Mandarintools Web Page (e.g., Examiner's Answer p.7). The Examiner is relying on the teachings of the Chinese-English Dictionary Web Page, not on the hyperlink to the Chinese-English Dictionary Web Page, and not on the Mandarintools Web Page. Therefore, Applicant treats the Chinese-English Dictionary Web Page as a separate reference and also as the basis for the rejection.

The rejection of claims 1-4, 9-11, 16-19, and 24-26 under 35 U.S.C. § 103(a) over <http://web.archive.org/web/20001204034200/http://www.mandarintools.com/> (herein the Mandarintools Web Page) in view of <http://web.archive.org/web/20010309104519/http://home.iprimus.com.au/richwarm/cel/cel.htm> (herein, the CEL Web Page) and <http://web.archive.org/web/20000301054545/www.mandarintools.com/worddict.html> (herein the Chinese-English Dictionary Web Page). Examiner's Answer pp. 10-13. Applicant notes the Examiner relies on the teachings of the Chinese-English Dictionary Web Page for this ground of rejection. Examiner's Answer p.11.

The rejection of claims 5, 12, 20, and 27 under 35 U.S.C. 103(a) over <http://web.archive.org/web/20001204034200/http://www.mandarintools.com/> (herein the Mandarintools Web Page) in view of <http://web.archive.org/web/20000301054545/www.mandarintools.com/worddict.html> (herein the Chinese-English Dictionary Web Page) and Hughes "1ICT3 COMPUTER SCIENCE SAMPLE PAPER I" (available at https://www.cs.tcd.ie/courses/baict/bacs/jf/EXAMINATION_PAPERS/SampleExamOne.pdf).

Examiner's Answer pp. 13-14. Applicant notes the Examiner relies on the teachings of the Chinese-English Dictionary Web Page for this ground of rejection. *Id.*

A. First Ground of Rejection

Claims 1-5, 9-12, 16-20, and 24-27 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-16 and 30-45 of copending Application No. 10/617,526 (the '526 Application) in view of <http://web.archive.org/web/20000301054545/www.mandarintools.com/worddict.html> (herein the Chinese-English Dictionary Web Page). Examiner's Answer dated Jun. 20, 2008, pp. 4-7. Applicant notes the Examiner cited to the Chinese-English Dictionary Web Page as a hyperlink on the Mandarintools Web Page (*e.g.*, Examiner's Answer p.4). The Examiner is relying on the teachings of the Chinese-English Dictionary Web Page, not on the hyperlink to the Chinese-English Dictionary Web Page, and not on the Mandarintools Web Page. Therefore, Applicant treats the Chinese-English Dictionary Web Page as a separate reference and also as the basis for the rejection.

The analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. *In re Braat*, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985). Thus, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), are employed when making an obvious-type double patenting analysis and would require determining the differences between the scope and content of the patent claim as determined in (A) and the claim in the application at issue. *See* M.P.E.P. 804 II. B. 1. In determining the differences between the prior art and the claims in an obviousness analysis, the question under 35

U.S.C. 103 is whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

Claim 1

Claim 1 recites “recognizing the Chinese character without regard to an encoding format of the Chinese character.” The ‘526 Application’s claims do not recite these limitations. The Examiner alleges the Chinese-English Dictionary Web Page teaches these limitations. Examiner’s Answer p.14.

The Chinese-English Dictionary Web Page fails to teach “recognizing ... without regard to an encoding format,” because the Chinese-English Dictionary Web Page requires its users to select the encoding format of the word being looked up. Applicant notes reference A1 from Figure A below:

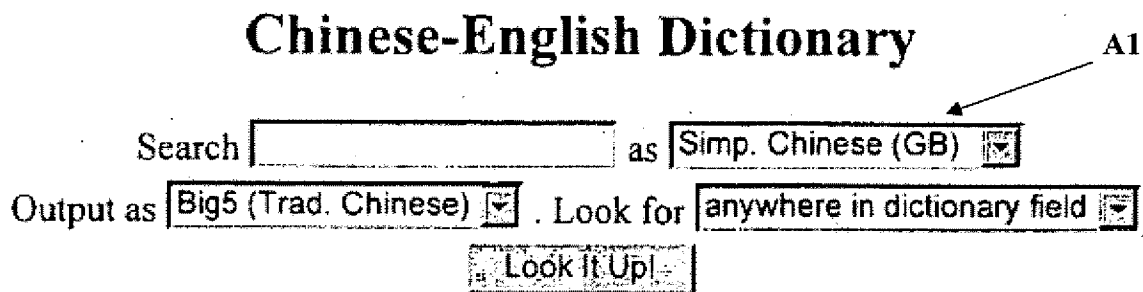


Figure A: page 1 of the Chinese-English Dictionary Web Page

Reference A1 points to a drop down box that is used to select the encoding of the word to be looked up, which is selected as “Simp. Chinese (GB).” At best, the Chinese-English Dictionary teaches that in order to search for a Chinese character, the user must select the type of Chinese character, i.e., the user must select whether or not the Chinese character is “Simp. Chinese (GB).” As such, the Chinese-English Dictionary fails to teach “recognizing the Chinese character without regard to an encoding format.” Hence, the claim’s limitations of “recognizing

the Chinese character without regard to an encoding format of the Chinese character” are outside the scope of the ‘526 Application’s claims in view of the Chinese-English Dictionary Web Page.

Claim 1 also recites “when the Chinese character is a Simplified Chinese character, ... simultaneously displaying the Chinese character first and the Traditional Chinese character equivalent next to the Chinese character.” The ‘526 Application’s claims do not recite these features and limitations. Applicant believes these features and limitations are outside the scope of the Chinese-English Dictionary Web Page at least because the Chinese-English Dictionary Web Page is silent to these limitations. Hence, the claims limitations of “when the Chinese character is a Simplified Chinese character, ... simultaneously displaying the Chinese character first and the Traditional Chinese character equivalent next to the Chinese character” are outside the scope of the ‘526 Application’s claims and the Chinese-English Dictionary Web Page.

Claim 1 also recites “when the Chinese character is a Traditional Chinese character, ... simultaneously displaying the Chinese character first and the Simplified Chinese character equivalent next to the Chinese character.” The ‘526 Application’s claims do not recite these features and limitations. Applicant believes these features and limitations are outside the scope of the Chinese-English Dictionary Web Page at least because the Chinese-English Dictionary Web Page is silent to these limitations. Hence, the claims limitations of “when the Chinese character is a Traditional Chinese character, ... simultaneously displaying the Chinese character first and the Simplified Chinese character equivalent next to the Chinese character” are outside the scope of the ‘526 Application’s claims and the Chinese-English Dictionary Web Page.

Thus, the claim comprises limitations that are outside the scope of the ‘526 Application’s claims in view of the Chinese-English Dictionary Web Page. Therefore, Applicant respectfully requests an indication of allowable subject matter.

Claims 2-6 and 9

Claims 2-6 and 9 depend from and inherit all the limitations of claim 1. As discussed above, claim 1 comprises features and limitations that are outside the scope of the '526 Application's claims and the Chinese-English Dictionary Web Page. Thus, claims 2-6 and 9 comprise features and limitations that are outside the scope of the '526 Application's claims and the Chinese-English Dictionary Web Page. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 16-20 and 24-27

Claim 16 comprises features and limitations similar to that of claim 1, which as discussed above, are outside the scope of the '526 Application's claims and the Chinese-English Dictionary Web Page. Thus, claim 16 comprises features and limitations that are outside the scope of the '526 Application's claims and the Chinese-English Dictionary Web Page. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 17-20 and 24-27 each depend from and inherit all the limitations of claim 16. As discussed above, claim 16 comprises features and limitations that are outside the scope of the '526 Application's claims and the Chinese-English Dictionary Web Page. Thus, claims 17-20 and 24-27 comprise features and limitations that are outside the scope of the '526 Application's claims and the Chinese-English Dictionary Web Page. Therefore, Applicant respectfully requests that the rejection be withdrawn.

B. Second Ground of Rejection

Claims 1-3, 9-10, 16-18, and 24-25 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1, 5-6, 26, and 30-31 of copending

Application No. 10/631,070 (the '070 Application) in view of <http://web.archive.org/web/20000301054545/www.mandarintools.com/worddict.html> (herein the Chinese-English Dictionary Web Page). Examiner's Answer dated Jun. 20, 2008, pp. 7-9. Applicant notes the Examiner cited to the Chinese-English Dictionary Web Page as a hyperlink on the Mandarintools Web Page (*e.g.*, Examiner's Answer p.7). The Examiner is relying on the teachings of the Chinese-English Dictionary Web Page, not on the hyperlink to the Chinese-English Dictionary Web Page, and not on the Mandarintools Web Page. Therefore, Applicant treats the Chinese-English Dictionary Web Page as a separate reference and also as the basis for the rejection.

Claim 1

Claim 1 recites "recognizing the Chinese character without regard to an encoding format of the Chinese character." The '070 Application's claims do not recite these limitations. The Examiner alleges the Chinese-English Dictionary Web Page teaches these limitations. Examiner's Answer p.14.

The Chinese-English Dictionary Web Page fails to teach "recognizing ... without regard to an encoding format," because the Chinese-English Dictionary Web Page requires its users to select the encoding format of the word being looked up. Applicant notes reference A1 from Figure A below:

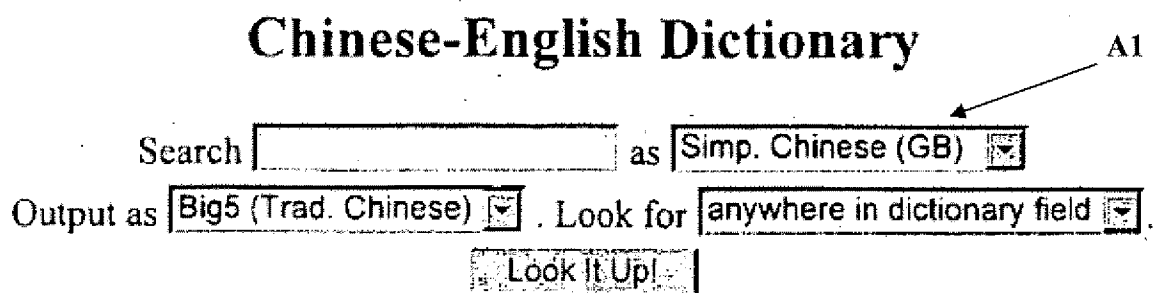


Figure A: page 1 of the Chinese-English Dictionary Web Page

Reference A1 points to a drop down box that is used to select the encoding of the word to be looked up, which is selected as “Simp. Chinese (GB).” At best, the Chinese-English Dictionary teaches that in order to search for a Chinese character, the user must select the type of Chinese character, i.e., the user must select whether or not the Chinese character is “Simp. Chinese (GB).” As such, the Chinese-English Dictionary fails to teach “recognizing the Chinese character without regard to an encoding format.” Hence, the claim’s limitations of “recognizing the Chinese character without regard to an encoding format of the Chinese character” are outside the scope of the ‘070 Application’s claims in view of the Chinese-English Dictionary Web Page.

Claim 1 also recites “when the Chinese character is a Simplified Chinese character, ... simultaneously displaying the Chinese character first and the Traditional Chinese character equivalent next to the Chinese character.” The ‘070 Application’s claims do not recite these features and limitations. Applicant believes these features and limitations are outside the scope of the Chinese-English Dictionary Web Page at least because the Chinese-English Dictionary Web Page is silent to these limitations. Hence, the claims limitations of “when the Chinese character is a Simplified Chinese character, ... simultaneously displaying the Chinese character first and the Traditional Chinese character equivalent next to the Chinese character” are outside the scope of the ‘070 Application’s claims and the Chinese-English Dictionary Web Page.

Claim 1 also recites “when the Chinese character is a Traditional Chinese character, ... simultaneously displaying the Chinese character first and the Simplified Chinese character equivalent next to the Chinese character.” The ‘070 Application’s claims do not recite these features and limitations. Applicant believes these features and limitations are outside the scope of the Chinese-English Dictionary Web Page at least because the Chinese-English Dictionary Web Page is silent to these limitations. Hence, the claims limitations of “when the Chinese

character is a Traditional Chinese character, ... simultaneously displaying the Chinese character first and the Simplified Chinese character equivalent next to the Chinese character” are outside the scope of the ‘070 Application’s claims and the Chinese-English Dictionary Web Page.

Thus, the claim comprises limitations that are outside the scope of the ‘070 Application’s claims in view of the Chinese-English Dictionary Web Page. Therefore, Applicant respectfully requests an indication of allowable subject matter.

Claims 2-6 and 9

Claims 2-6 and 9 depend from and inherit all the limitations of claim 1. As discussed above, claim 1 comprises features and limitations that are outside the scope of the ‘070 Application’s claims and the Chinese-English Dictionary Web Page. Thus, claims 2-6 and 9 comprise features and limitations that are outside the scope of the ‘070 Application’s claims and the Chinese-English Dictionary Web Page. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 16-20 and 24-27

Claim 16 comprises features and limitations similar to that of one of claim 1, which as discussed above, are outside the scope of the ‘070 Application’s claims and the Chinese-English Dictionary Web Page. Thus, claim 16 comprises features and limitations that are outside the scope of the ‘070 Application’s claims and the Chinese-English Dictionary Web Page. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 17-20 and 24-27 each depend from and inherit all the limitations of claim 16. As discussed above, claim 16 comprises features and limitations that are outside the scope of the ‘070 Application’s claims and the Chinese-English Dictionary Web Page. Thus, claims 17-20 and 24-27 comprise features and limitations that are outside the scope of the ‘070 Application’s

claims and the Chinese-English Dictionary Web Page. Therefore, Applicant respectfully requests that the rejection be withdrawn.

C. Third Ground of Rejection

The rejection of claims 1-4, 9-11, 16-19, and 24-26 under 35 U.S.C. § 103(a) over <http://web.archive.org/web/20001204034200/http://www.mandarintools.com/> (herein the Mandarintools Web Page) in view of <http://web.archive.org/web/20010309104519/http://home.iprimus.com.au/richwarm/cel/cel.htm> (herein, the CEL Web Page) and <http://web.archive.org/web/20000301054545/www.mandarintools.com/worddict.html> (herein the Chinese-English Dictionary Web Page). Examiner's Answer pp. 10-13. Applicant notes the Examiner relies on the teachings of the Chinese-English Dictionary Web Page for this ground of rejection. Examiner's Answer p.11.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. "[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability." *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Furthermore, "'there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness' [H]owever, the analysis need not seek out

precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)). Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444; *Piasecki*, 745 F.2d at 1472, 223 USPQ at 788.

Claim 1

Claim 1 recites “recognizing the Chinese character without regard to an encoding format of the Chinese character.” The Examiner alleges the Chinese-English Dictionary Web Page teaches these limitations. Examiner’s Answer p.11.

The Chinese-English Dictionary Web Page fails to teach “recognizing ... without regard to an encoding format,” because the Chinese-English Dictionary Web Page requires its users to select the encoding format of the word being looked up. Appellant notes reference A1 from Figure A below:

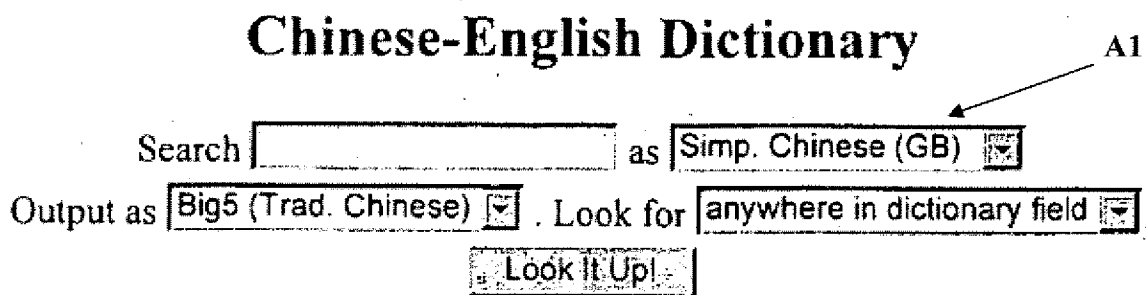


Figure A: page 1 of the Chinese-English Dictionary Web Page

Reference A1 points to a drop down box that is used to select the encoding of the word to be looked up, which is selected as “Simp. Chinese (GB).” At best, the Chinese-English Dictionary teaches that in order to search for a Chinese character, the user must select the type of Chinese

character, i.e., the user must select whether or not the Chinese character is “Simp. Chinese (GB).” As such, the Chinese-English Dictionary fails to teach “recognizing the Chinese character without regard to an encoding format.” The Mandarintools Web Page and the CEL Web Page are not relied upon and do not remedy these deficiencies.

Additionally, the CEL Web Page leads away from the claimed invention. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). The CEL Web Page teaches that a “workaround” is required in order to read GB text. CEL Web Page p.2 (answering the question “Does CEL work with both Big5 and GB text?”). In other words, instead of recognizing a Chinese character without regarding its encoding format, CEL requires users to take special care—i.e., using a workaround—in order to use different encodings. Hence, the claims limitations of “recognizing the Chinese character without regard to an encoding format of the Chinese character” are outside the scope of the combination of cited art.

Claim 1 also recites “when the Chinese character is a Simplified Chinese character, ... simultaneously displaying the Chinese character first and the Traditional Chinese character equivalent next to the Chinese character.” Applicant believes these features and limitations are outside the scope of the Combination of cited art at least because the combination of cited art is silent to these limitations.

Claim 1 also recites “when the Chinese character is a Traditional Chinese character, ... simultaneously displaying the Chinese character first and the Simplified Chinese character equivalent next to the Chinese character.” Applicant believes these features and limitations are

outside the scope of the combination of cited art at least because the combination of cited art is silent to these limitations.

Thus, the claim comprises limitations that are outside the scope of the combination of cited art. Therefore, Applicant respectfully requests that the rejection be reversed.

Claims 2-4 and 9-11

Claims 2-4 and 9-11 depend from and inherit all the limitations of claim 1. As discussed above, claim 1 comprises features and limitations that are outside the scope of the combination of cited art. Thus, claims 2-4 and 9-11 comprise features and limitations that are outside the scope of the combination of cited art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 16-19 and 24-26

Claim 16 comprises features and limitations similar to that of one of claim 1, which as discussed above, are outside the scope of the combination of cited art. Thus, claim 16 comprises features and limitations that are outside the scope of the combination of cited art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 16-19 and 24-26 each depend from and inherit all the limitations of claim 16. As discussed above, claim 16 comprises features and limitations that are outside the scope of the combination of cited art. Thus, claims 16-19 and 24-26 comprise features and limitations that are outside the scope of the combination of cited art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

D. Fourth Ground of Rejection

The rejection of claims 5, 12, 20, and 27 under 35 U.S.C. 103(a) over <http://web.archive.org/web/20001204034200/http://www.mandarintools.com/> (herein the Mandarin tools Web Page) in view <http://web.archive.org/web/20000301054545/www.mandarintools.com/worddict.html> (herein the Chinese-English Dictionary Web Page) and Hughes “1ICT3 COMPUTER SCIENCE SAMPLE PAPER I” (available at https://www.cs.tcd.ie/courses/baict/bacs/jf/EXAMINATION_PAPERS/SampleExamOne.pdf). Examiner’s Answer pp. 13-14. Applicant notes the Examiner relies on the teachings of the Chinese-English Dictionary Web Page for this ground of rejection. *Id.*

Claims 5, 12, 20, and 27 each depend from and inherit all the limitations of one of claims 1 or 16. As discussed above, claims 1 and 16 comprise features and limitations that are outside the scope of the Mandarin tools Web Page and the Chinese-English Dictionary Web Page. Hughes is not relied upon and does not remedy these deficiencies. Thus, claims 5, 12, 20, and 27 comprise features and limitations that are outside the scope of the combination of cited art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

Applicant submits that the claims are now in condition for allowance.

Respectfully submitted,



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